

invention possessed the alleged utility prior to the effective date of the Sendowski application. Applicant's Declaration and Supplemental Declaration establish that the claimed invention had, at a time prior to 29 March 2002, utility in at least the generation of medical history reports. Furthermore, Applicant's said Supplemental Declaration specifically avers that the utility of medical history reports was well established in the medical community, and would have been recognized as being so by one of ordinary skill in the art.

Against the foregoing evidence, the examiner offers nothing more than the unsubstantiated statements quoted previously. To the extent that the examiner maintains the rejections on the basis of alleged shortcomings in either or both of Applicant's said Declaration and Supplemental Declaration, the examiner is invited to provide particular reasons and evidence in support. For instance, the examiner is invited to articulate how software demonstrating the features and characteristics described *and* shown in Applicant's Declaration and Supplemental Declaration could fail to have, or fail to be understood to a reasonable certainty to have, the utility ascribed to it in view of the fact that software is, as a general proposition, purposefully written. In other words, can the examiner explain how Applicant's software would fail to serve, or fail to be understood to serve, the specified utility when the evidence clearly shows (including through the various screenshots) that the software was written with the utility as its end?

Respectfully submitted,

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